

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	17-Feb-06	APPL. S. N.:	10808443
To Examiner:	PASCAL, LESLIE C.	Art Unit	2633
From	Jefferson, Henry PARALEGAL SPCEIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - Other: [REDACTED] 
 - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

Application Number 	Application/Control No. 10/808,443	Applicant(s)/Patent under Reexamination YUE ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : February 10, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

02495.000005.1



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
CHAOYU YUE ET AL.)
Application No.: 10/808,443)
Filed: March 25, 2004)
For: PER-CHANNEL OPTICAL)
AMPLIFICATION USING)
SATURATION MODE) February 7, 2006
Examiner: L.C. Pascal
Group Art Unit: 2633

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Tellabs Operations Inc., a corporation duly organized under the laws of Delaware, having a principal office at 1415 West Diehl Road, Naperville, Illinois 60563, and duly represented by the undersigned, represents that it is the assignee of

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 7, 2006.

(Date of Deposit)

FRANK A. DeLUCIA (REG. NO. 42,476)

(Name of Attorney for Applicant)

February 7, 2006

Date of Signature

Signature

02/13/2006 WASFAW1 00000016 10808443

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the full title and interest in and to the above-identified Application No. 10/180,443, filed March 25, 2004, as evidenced by the deed of Assignment filed on December 15, 1999 in parent U.S. Application No. 09/461,052 (now U.S. Patent No. 6,735,394 B1), and recorded at reel 010453/Frame 0463.

Your petitioner further represents that it is the assignee of the full title and interest in and to U.S. Patent No. 6,735,394 B1, as evidenced by the same deed of Assignment referred to in the previous paragraph.

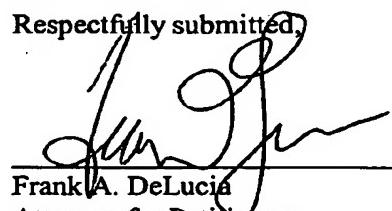
Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified Application No. 10/808,443, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,735,394 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,735,394 B1, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,735,394 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is

otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Petitioner's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Frank A. DeLucia
Attorney for Petitioners
Registration No. 42,476

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